

REMARKS

This Response is submitted in response to the Office Action mailed on August 11, 2005. The Office Action requires, in part, restriction to one of six alleged groups of invention: Group I (Claims 1-16); Group II (Claims 17-23); Group III (Claims 24-27, 32, and 38); Group IV (Claims 28-31, and 33); Group V (Claims 34-37, 39, and 47-55); and Group VI (Claims 40-46). In response, Applicants elect Group I (Claims 1-16). Applicants reserve the right to file one of more divisional applications to the non-elected inventions.

The Patent Office also states that the claims contain claims directed to the following patentably distinct species: food species; canned; baked. Applicants note that the Patent Office has stated that Claims 1-27, 32, and 38 are generic. Accordingly, since Applicants have elected Group I (Claims 1-16), Applicants do not believe that an election of species requirement is required as the Patent Office has admitted that all claims are generic thereto. Therefore, it is not a situation where Applicants are arguing that all claims are generic as the Patent Office has admitted same.

Further, Applicants do not understand the election requirement as Claim 16 indicates that the food, Applicants do not know if this claimed food is the "food species" set forth in the Office Action, can be a canned or baked food. Therefore, even if all of the claims were not admitted to be generic by the Patent Office, the election of species requirement appears improper and, in fact, cannot be made. In this regard, electing the "food species" would inherently also include the canned and baked species. Therefore, Applicants respectfully request, to the extent the election of species requirement is still applicable to the group of claims that have been elected by Applicants, that it be withdrawn. In this regard, by electing the food species, all three species would have to be examined.

Respectfully submitted,


BELL, BOYD & LLOYD LLC

BY

Robert M. Barrett
Reg. No. 30,142
Customer No.: 29157

Dated: December 12, 2005